

Council of the European Union – Transport, Telecommunications and Energy (TTE) speeches transcript extracts

Rewheel/Digital Fuel Monitor premium research note, 1st December 2014

On the **27th November 2014** on the European Council the representatives of the 28 EU Member States discussed, among other topics, the Europe-wide regulation of net neutrality. This research note collects the transcript of the relevant statements made by those Member States that endorsed the **explicit ban of price discrimination**.

These unofficial transcripts have been made by Rewheel based on the English-translated video recording¹ of the public session of Council of the European Union - Transport, Telecommunications and Energy (TTE).

In our understanding the issue of price non-discrimination in the context of net neutrality regulation was first floated by the **Netherlands**.

Explicitly mentioning price/charge non-discrimination

Netherlands

*“The text provides room for blocking, delaying, discriminating at the request of the consumer. These exemptions are formulated too broadly, they leave the door open for operators to undermine or avoid, circumvent, the network neutrality rules. And we are adding an **explicit ban on increased charges** in order to ensure network neutrality. Without provisions on discriminations you could end up with operators determining which services are actually working and which fail. That would be a way of undermining innovation and would not be in the interests of the consumers.”*

Slovenia

*“For Slovenia it is very important to keep the open and neutral internet. Such internet has been provided for in our legislation that is we do not want to lower the current level of internet users’ rights. That is why we agree with the Dutch proposal on **preventing price discrimination**. This is an issue that should be appropriately addressed and interests of the consumers taken into account.”*

Hungary

*“As far as the Dutch approach on price discrimination, on ban on **price discrimination** is concerned in net neutrality, this is something we can support”*

Greece

*“The comments by the Netherlands are very useful and set a new dimension to the problem which relates to **differentiation between costs according to content**”*

¹ <http://video.consilium.europa.eu/webcast.aspx?ticket=775-979-15160>

Slovakia

*“On web neutrality we support the intention of the Netherlands to expand the discussion by the topic of **price non-discrimination**”*

Luxembourg

*“We are in favour of the **Dutch** approach with more firm assertion of the neutrality of the net”*

Poland

*“We should also introduce a **clear ban on price discrimination**”*

Bulgaria

*“This [Non discrimination of internet services] could be supplemented in view of the **price non-discrimination** concerning the type of information, the content, the applications, other services as a guarantee of the freedom of the internet users”*

Non-discrimination mentioned, “price” non-discrimination not mentioned explicitly

Austria

“We think that an open and non-discriminatory access to the network is an essential factor to ensure that innovative services are provided and can be in the future”

Ireland

“The openness of the internet is a fundamental principle which must be preserved. Any legislation put on the EU level must guarantee an equal access to all content and applications free from discriminatory practices.”

Focused on clear definition of specialised services and limiting room for traffic management of open internet-access

Estonia

“On net neutrality. The internet as we understand today has to remain open which also means that the principle of its neutrality must be preserved. These fundamental principles should be highlighted in the text of the regulation. But when we are talking about net neutrality we are talking about the open internet access service that has fuelled the economy for the past two decades. And not about specialised services that are distinctly separate concept that should not be confused with the open internet. Even though they often share the same underlying infrastructure. IPTV as a recognised specialised service is offered over the same infrastructure with the internet, already today. We already have regulators in power to act if this is going to hurt open internet or give raise to competition concerns. We would recommend looking for further guidance from regulators in this regard, if necessary. It is the concept of specialised services that is under scrutiny, as we understand, not net neutrality. Thus we would agree with the Presidency approach here defining specialised services is premature at this stage. At the same time we would disagree that there is a need for additional flexibility regarding traffic management measures. As I already stated before, we do not have to feed specialised services into the concept of open internet. They come in addition. Traffic management in this regulation must deal only with open internet access service and has to be clearly limited. In this way we will preserve the internet as an open space for free information exchange and innovation.”